IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1756 OF 2006

Digamber S. Bansode] .. Petitioner

Versus

1. State of Maharashtra & 2 ors.] .. Respondents

Mr. Ditendra Mishra for the petitioner.

CORAM: R.M. LODHA, &
SMT. NISHITA MHATRE, JJ.

DATED: 08TH JANUARY, 2007

P.C. :

. We heard the counsel for the petitioner.

2. The petitioner seeks two reliefs by means of this Writ Petition: (i) direction to the respondents No.1 to 3 to put petitioner's name in the property card in respect of the construction at T.G. No.169/9(c) of S.No.154 in "T" Ward of Municipal Corporation of Greater Bombay and (ii) to direct the respondents to permit the petitioner to carry out repairs and construction at the aforestated property.

3. The reliefs claimed by the petitioner are founded on the order dated 26th March, 1997 passed by

the Upper District Collector (Encroachment).

4. The order dated 26th March, 1997 reads thus:

> "1. The original area 198 sq. ft. + 275 sq. ft. additional area with construction 473 sq. ft. area of slum held by Shri Digambar Shahuba Bansode at Nahur, Gavanpada, Mulund (W), Mumbai - 400 080.
>
> 2. Recover the total compensation from Shri Bansode.
>
> . It to be recorded on slum census, fotopass, extract, undertaking and other documents.
>
> . The following terms and conditions will be binding upon the slum holder.
>
> 1. No changes/alteration can be made in future in the additional construction of the slum and if slum holder wants to any changes in slum, he/she must have take prior permission of the Government otherwise such construction will be removed without giving any prior intimation.
>
> 2. The said space be returned to the Government whenever it will be required by the Government and for that purpose, the Applicant case not file any case in any Court."

5. From the perusal of the said order it appears that the petitioner was in possession of the unauthorised construction which was regularised on payment of compensation and for appropriate entries in slum census, photo-pass etc. The order clearly mentions that no changes/alteration can be made by the petitioner

in future without prior permission of the Government.

6. The aforesaid order does not entitle the petitioner for his name being recorded in the property card. If the petitioner wants to make any alteration or any construction in the subject property, obviously he has to take permission from the Government as indicated in the order dated 26th March, 1997.

7. We, accordingly, dispose of the Writ Petition by the following order:

(i) The petitioner is not entitled to have his name recorded in the property card.

(ii) However, he can apply for alteration/ construction in the subject property before the State Government as observed in the order dated 26th March, 1997 and if such an application is made, the State Government or the authority appointed by it in this regard shall consider the same in accordance with law.

Sd/-
[R.M. LODHA, J.]

Sd/-
[SMT. NISHITA MHATRE, J.]